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March 10, 2005

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 2685

Re: U.S. Utility Patent Application
Application No. 09/855,851; Filed: May 16, 2001
For: **Apparatus, System, And Method For Down-Converting
And Up-Converting Electromagnetic Signals**
Inventors: **SORRELLS et al.**
Our Ref: 1744.1260001

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Third Supplemental Information Disclosure Statement;
2. Form PTO-1449 listing thirteen (13) documents; and
3. One return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Michael Q. Lee
Attorney for Applicants
Registration No. 35,239



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SORRELLS *et al.*

Appl. No.: 09/855,851

Filed: May 16, 2001

For: **Apparatus, System, and Method
for Down-Converting and Up-
Converting Electromagnetic
Signals**

Confirmation No.: 9178

Art Unit: 2685

Examiner: Le, Lana N.

Atty. Docket: 1744.1260001

Third Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Third Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Second Supplemental Information Disclosure Statement filed on November 16, 2004 in connection with the above-captioned application.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

Applicants provide the following comments regarding the documents:

Documents AA65, AG65, and AD66 are co-owned patents which are directed to related subject matter.

Documents AB65 and AC65 were cited in an Office Action in related U.S. Patent Application No. 10/289,377, filed November 7, 2002, entitled "Method and Apparatus for Reducing DC Offsets in a Communication System," directed to related subject matter.

Document AD65 was cited in a Notice of Allowance in related U.S. Patent Application No. 10/197,441, filed July 18, 2002, entitled "Method and System for Frequency Up-Conversion With a Variety of Transmitter Configurations," directed to related subject matter.

Document AE65 was cited in an Office Action in related U.S. Patent Application No. 10/086,250, filed March 4, 2002, entitled "Applications of Universal Frequency Translation," directed to related subject matter.

Document AF65 was cited in an Office Action in related U.S. Patent Application No. 09/590,955, filed June 9, 2000, entitled "Phase Shifting Applications of Universal Frequency Translation," directed to related subject matter. Also cited in said Office Action was U.S. Patent No. 5,982,315, which has already been cited in the present application.

Document AH65 was cited in an Office Action in related U.S. Patent Application No. 09/569,045, filed May 10, 2000, entitled "Method and Apparatuses Relating to a Universal Platform Module and Enabled by Universal Frequency Translation Technology," directed to related subject matter.

Documents AI65 and AA66-AC66 were cited in a Notice of Allowance in related U.S. Patent Application No. 09/770,675, filed January 29, 2001, entitled "Wireless and Wired Cable Modem Applications of Universal Frequency Translation Technology," directed to related subject matter.

This statement should not be construed as a representation that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☒ 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.
- ☐ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
 - ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure

Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

☐ c. Attached is our PTO-2038 Credit Card Payment Form in the amount of _____ in payment of the fee under 37 C.F.R. § 1.17(p).

☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$_____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than

three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below in accordance with 37 C.F.R. § 1.98(a)(3).
- ☒ 7. In accordance with 37 C.F.R. § 1.98(a)(2), no copies of U.S. patents and patent application publications cited on the attached Form PTO-1449 are submitted.
- ☐ 8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

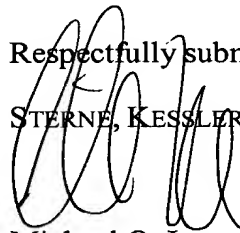
- ☐ 9. It is expected that the examiner will review the prosecution and cited art in the parent application no(s). _____ in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



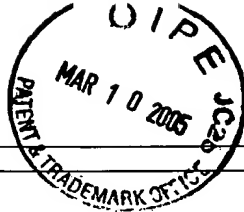
Michael Q. Lee
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Date:

3/10/05

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372358_1.DOC



FORM PTO-1449

THIRD SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.
1744.1260001APPLICATION NO.
09/855,851INVENTORS
SORRELLS *et al.*FILING DATE
May 16, 2001ART UNIT
2685

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA65	6,813,485 B2	11/2004	Sorrells <i>et al.</i>			
	AB65	5,410,270	04/1995	Rybicki <i>et al.</i>			
	AC65	6,509,777 B2	01/2003	Razavi <i>et al.</i>			
	AD65	5,982,329	11/1999	Pittman <i>et al.</i>			
	AE65	6,208,636 B1	03/2001	Tawil <i>et al.</i>			
	AF65	3,614,630	10/1971	Rorden			
	AG65	6,836,650 B2	12/2004	Sorrells <i>et al.</i>			
	AH65	5,844,868	12/1998	Takahashi <i>et al.</i>			
	AI65	6,385,439 B1	05/2002	Hellberg			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AJ						Yes No
	AK						Yes No
	AL						Yes No
	AM						Yes No

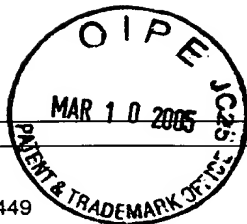
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	AN		
	AO		
	AP		
	AQ		
	AR		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



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2685

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA66	6,741,139 B2	05/2004	Pleasant <i>et al.</i>			
	AB66	6,823,178 B2	11/2004	Pleasant <i>et al.</i>			
	AC66	6,850,742 B2	02/2005	Fayyaz			
	AD66	6,853,690 B1	02/2005	Sorrells <i>et al.</i>			
	AE						
	AF						
	AG						
	AH						
	AI						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AJ						Yes No
	AK						Yes No
	AL						Yes No
	AM						Yes No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

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	AO		
	AP		
	AQ		
	AR		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.